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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,645	08/16/2000	Toshitada Kameda	06257.0039	3034

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EXAMINER

BLECK, CAROLYN M

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/639,645

Applicant(s)

KAMEDA, TOSHITADA

Examiner

Carolyn M Bleck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23, 25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23, 25 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 4, 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the election filed 27 October 2003. Claims 1-23, 25, and 27 are pending. Claims 1-23, 25, and 27 have been elected. The IDS statements filed 26 February 2001, 14 September 2001, and 27 October 2003 have been entered and considered.

Election/Restrictions

2. Applicant's election without traverse of claims 1-23, 25, and 27 in Paper No. 6 is acknowledged.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because the length exceeds 150 words. Correction is requested. See MPEP § 608.01(b).
5. The abstract of the disclosure is objected to because the abstract includes reference numbers. Correction is requested. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-23, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kameda Medical Information Laboratory (referred to as Kameda) (EP 0 784 283 A1).

(A) As per claim 1, 9, and 23, Kameda discloses a medical care schedule and record aiding system comprising (col. 34 lines 50-56):

(a) a plurality of files including medical data, which indicate a plurality of types of medical care actions with respect to each of a plurality of patients and each date and time for performing a medical care action (Fig. 2A-2B, col. 3 lines 37-58, col. 17 line 52 to col. 18 line 49, col. 35 lines 1-4);

(b) a timer or counter for counting the date and time (col. 9 lines 6-34, col. 22 line 53 to col. 23 line 5, col. 38 lines 8-20);

(c) an display device or outputting device for graphically outputting generated output data for (Fig. 1, col. 19 lines 18-47, col. 35 lines 35-40) for:

(i) outputting a display of the medical care data in a format of a table in which the medical care actions indicated by the medical care data are arranged in first rows for each type of medical care actions and second rows orthogonal to the first rows for each date and time , wherein the display is based on the plurality of files storing the medical care data (Fig. 2A-9, col. 3 lines 37-58, col. 17 line 52 to col. 18 line 49, col. 34 line 50 to col. 36 line 28);

(ii) adding, changing, modifying, or deleting (reads on “selecting”) one of a plurality of result flags or marks (reads on “condition marks”) which have been inputted and stored by an operator, wherein the result flag indicating whether or not the medical care action has already been performed is attached to the medical care data, wherein when the medical care action has already been performed is displayed in a display manner different from that of another portion of the display that has not been performed yet on the basis of the date and time counted by the timer (Fig. 4, col. 9 line 15 to col. 10 line 8, col. 18 lines 1-50, col. 20 lines 9-52, col. 23 line 54 to col. 24 line 45, col. 34 line 50 to col. 38 line 40);

(iii) generating first sub display data to display the result flag next to the corresponding medical care action in the table (see Figure 4, in particular the cell or “first sub display” containing morning, lunch, and dinner with corresponding flags) (col. 9 line 15 to col. 10 line 8, col. 18 lines 1-50, col. 20 lines 9-52, col. 23 line 54 to col. 24 line 45, col. 34 line 50 to col. 38 line 40);

(iv and v) determining and generating a second sub display to display medical care data corresponding to the present day labels (see Figure 4), wherein the display is finely divided by a predetermined time unit instead of the date, wherein the time unit is 24 hours (Fig. 2A-9, col. 9 lines 5-58, col. 21 line 16 to col. 22 line 21, col. 24 line 45 to col. 26 line 20, col. 34 line 51 to col. 42 line 10); and

(d) a display device for displaying the medical care data in the format of a table together with the result flag and the present day labels based on the main display table, the first display data, and the second display data (Fig. 2A-9, col. 9 lines 5-58, col. 10 line 50 to col. 11 line 38, col. 21 line 16 to col. 22 line 21, col. 24 line 45 to col. 26 line 20, col. 34 line 51 to col. 42 line 10).

As per the recitation of “sub displays of data”, it is respectfully submitted that Kameda’s Figure 4 discloses a form of sub displays of data. Note the cells of data in Figure 4. The motivation for using “sub displays of data” being to conveniently determine the status through flags of a medical care action (Kameda; col. 9 line 45 to col. 10 line 1).

(B) As per claims 2-4, Kameda discloses a first file for including medical care data and the date and time for performing a medical care action, wherein the action is a treatment, wherein the result flag is generated in the first sub display, wherein the result flag indicating whether or not the medical care action has already been performed is attached to the medical care data, wherein when the medical care action has already been performed is displayed in a display manner different from that of another portion of

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the display that has not been performed yet on the basis of the date and time counted by the timer, wherein the medical care data is displayed in cells (Fig. 2A-4, col. 9 line 15 to col. 10 line 8, col. 17 line 38 to col. 18 line 49, col. 20 lines 9-52, col. 21 lines 23-54, col. 23 line 54 to col. 24 line 45, col. 34 line 50 to col. 38 line 40).

The remainder of claims 2-4 repeat the same limitations as claim 1, and are therefore rejected for the same reason as claim 1, and incorporated herein.

(C) As per claims 5, 7, 8, Kameda discloses displaying a result flag being attached to medical care data which indicates whether or not the medical care action indicated by the medical care data has been already performed, wherein a table is generated including a graphically outputted portion corresponding to the medical care action, which has already been performed, and the graphically outputted portion corresponding to the medical care action which has not been performed yet, are displayed in a manner different from each other on the basis of the result flag (Figure 4, col. 9 line 35 to col. 10 line 8, col. 17 line 30 to col. 18 line 49, col. 23 line 54 to col. 24 line 45, col. 34 line 50 to col. 42 line 10).

(E) As per claim 6, Kameda discloses the display controlling device generating the first sub display data to display the condition mark, which extends along the second rows for each date of the table in a length corresponding to a predetermined time duration, if the medical care action corresponding to the condition mark is continuously executed for

the predetermined time duration (Figure 4, col. 9 line 35 to col. 10 line 8, col. 17 line 30 to col. 18 line 49, col. 23 line 54 to col. 24 line 45, col. 34 line 50 to col. 42 line 10).

(F) As per claim 10, Kameda discloses a line extending over cells displaying the present time in the table (in particular, see Figure 7) (Fig. 2A-9, col. 9 lines 5-58, col. 21 line 16 to col. 22 line 21, col. 24 line 45 to col. 26 line 20, col. 34 line 51 to col. 42 line 10).

(G) As per claim 11, Kameda discloses an inputting device for inputting medical care data with respect to each patient, each data, time, and each type of medical care action, wherein the display device and output data generating device control generating output data in the form of a table including the first and second sub display windows (Fig. 4, col. 34 line 50 to col. 35 line 54).

(H) As per claim 12, Kameda discloses generating the displays by referring to the counter (col. 9 line 5 to col. 9 line 60).

(I) As per claim 13, Kameda discloses the output data generating device generating the output data such that one portion of graphical output related to the date corresponding to a present day is displayed in a display manner different from that of the other portion of graphical output on the basis of the date counted by the counter (col. 38 lines 9-19).

(J) Claim 14 repeats the same limitations as claim 1, and is therefore rejected for the same reasons given for claim 1, and incorporated herein.

(K) As per claims 15-16, Kameda discloses the format of the table having large categories of medical care actions and that a plurality of medical care data of a plurality of small categories belonging to one large category are arranged within the cell (Figure 4). Further, Kameda discloses a display controlling device generating the main display data such that the medical care data of one small category are arranged in parallel to each other within one cell (Figure 4).

As per the recitation "arranged in parallel to each other within one cell if the width of a data field of the table is smaller than a predetermined width and that a plurality of the medical data of one small category are arranged in serial to each other within one cell if the width of the data field is larger than the predetermined width," it is respectfully submitted that it is a commonly used technique to format cells based on the width of the cells. The motivation being to present information in a format that is easily viewable for a physician to quickly ascertain information (Kameda; col. 9 line 45 to col. 10 line 1).

The remainder of claims 15-16 repeat the same limitations as claim 1, and are therefore rejected for the same reasons given for claim 1, and incorporated herein.

(L) As per claims 17-19, Kameda discloses a control device is adapted to generate the output data for graphically outputting each medical care action in a table, which columns are finely divided by a predetermined time unit instead of a date in the table for at least

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some portion of the medical care data, wherein the output table in which the medical care actions in each of the time frame are put in a frame of the table (Fig. 4, col. 23 line 54 to col. 26 line 20).

Although Kameda does not expressly disclose appending a priority order to the medical care data, it is respectfully submitted that it is commonly used in medical records systems to prioritize actions for doctors. The motivation being to easily ascertain medical actions which need to be performed on a patient.

(M) As per claims 20 and 21, Kameda discloses the display controlling device generating the main display data to thin out a date field of the table which does not correspond to any flags from the table (see Figure 4).

(N) As per claim 22, Kameda discloses a first unit and second unit communicating over a communication line, wherein the first unit stores medical care data and a display and output device is included in the second device (Fig. 1, col. 34 line 50 to col. 35 line 55).

(O) Claims 25 and 27 repeat the same limitations as claim 1, and are therefore rejected for the same reason given for claim 1, and incorporated herein.

As per the recitation of “a program storage device” and “a computer data signal embodied in a carrier wave”, note Kameda’s teachings of a medical care data storing device, a memory device, a communication line in communication with the devices (Figure 1, col. 17 lines 1-51, col. 34 line 59).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied prior art teaches a method for generating patient-specific flowsheets by adding/deleting parameters (4,878,175), spreadsheet cell having multiple data fields (5,247,611), method for displaying superimposed heartbeat waveforms (5,284,152), computer display system and method for facilitating access to patient data records in a medical information system (5,361,202), interactive medical information display system and method for displaying user-definable patient events (5,447,164), method and system for flexibly organizing, recording, and displaying medical patient care information using fields in a flowsheet (5,682,526), central station waveform display having dedicated message user areas (5,788,646), method and apparatus for displaying data (5,830,150), time and display correlated medical display system (5,891,049), intensive care information graphical display (5,921,920), method and apparatus for synchronizing continuous ecg waveform display (5,956,013), and medical information system (6,322,502).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Bleck whose telephone number is (703) 305-3981. The Examiner can normally be reached on Monday-Thursday, 8:00am – 5:30pm, and from 8:30am – 5:00pm on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached at (703) 305-9588.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 306-1113.

1. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306 or (703) 872-9326 [Official communications]

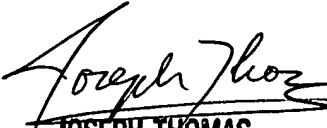
(703) 872-9327 [After Final communications labeled "Box AF"]

(703) 746-8374 [Informal/ Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor (Receptionist).

CB

CB
December 23, 2003


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
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